

On which the yeas and nays were called for by Messrs. Call and Lamar;

Upon which the vote was:

Yeas—Messrs. Baker, Call, Dawkins, Duncan, Eppes, Hawes, Jones, Lamar and McElvy—9.

Nays—Messrs. Baldwin, Dell, McQueen, Nicholson and Welch—

5.

So the amendment was adopted.

Mr. Baker offered the following amendment:

And that no member of this adjourned Session of the General Assembly is entitled to or shall receive any pay from the State of Florida;

On which the yeas and nays were called for by Messrs. Call and Eppes;

Upon which the vote was:

Yeas—Messrs. Baker, Call, Duncan, Eppes, Hawes and Jones—6.

Nays—Mr. President, Messrs. Baldwin, Dawkins, Lamar, McElvy, McQueen, Nicholson, Watlington and Welch—9.

So the amendment was lost.

Mr. Dawkins moved to insert the word "necessary" between the words "mile" and "travel;"

Which motion was adopted.

On motion, the Senate adjourned until to-morrow morning, 9 o'clock.

#### THURSDAY, December 22, 1859.

Senate met pursuant to adjournment.

A quorum present.

On motion of Mr. Eppes, the reading of yesterday's journal was dispensed with.

Mr. Baldwin moved to strike out of the journal of yesterday, the resolutions introduced by Mr. Call, leaving on the journal simply the announcement that Mr. Call introduced a series of resolutions.

Mr. Call moved a call of the House;

Which motion was seconded by Mr. Lamar.

On calling the roll the following members answered to their names:

Messrs. Baker, Baldwin, Call, Dawkins, Dell, Duncan, Eppes, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, Nicholson, Watlington and Welch.

The question was then taken on the motion of Mr. Baldwin to strike out;

On which motion the yeas and nays were called for by Messrs. Call and Lamar;

Upon which the vote was:

Yeas—Messrs. Baker, Baldwin, Dawkins, Keitt, Nicholson, Watlington and Welch—7.

Nays—Messrs. Call, Dell, Duncan, Eppes, Hawes, Lamar, McElvy and McQueen—8.

So the Senate refused to strike out.

Mr. Eppes moved that the vote had yesterday on the General Appropriation bill be re-considered, and said bill placed first among the orders of the day;

Which motion was adopted.

Mr. Eppes moved that the Act making appropriations for the expenses of the State Government for the fiscal years 1859 and 1860, be immediately taken up and considered;

Which motion was adopted.

Mr. Eppes moved that the amendments made to said bill be stricken out;

Which motion was adopted.

The bill as engrossed was then on motion read a third time by its title and put upon its passage;

Upon which the vote was:

Yeas—Messrs. Baldwin, Dell, Eppes, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, Nicholson, Watlington and Welch—12.

Nays—Messrs. Baker, Call, Dawkins and Duncan—4.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Mr. Dawkins moved that the rules be waived, and that the joint resolution with regard to certain persons who have circulated or aided in circulating an incendiary publication, be now taken up and acted upon;

Which was adopted;

The resolutions read the second time, rules waived, read a third time by its title, and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Baldwin, Dawkins, Dell, Duncan, Eppes, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, Nicholson, Watlington and Welch—16.

Nay—Mr. Call—1.

So said resolutions passed—titled as stated.

Ordered that the same be certified to the House of Representatives.

The following message was received from the House of Representatives;

HOUSE OF REPRESENTATIVES,  
December 21st, 1859.

HON. JOHN FINLAYSON,

President of the Senate:

*Sir*:—The House has this day passed the following bill:

A bill to be entitled an Act to authorize Daniel Newnan Cone, a minor of Columbia county, to assume the management of his own estate.

Very Respectfully,

M. F. PAPY,  
Clerk House Rep.

Which was read and the accompanying bill placed among the orders of the day.

The following Message from the House of Representatives was received:

HOUSE OF REPRESENTATIVES,  
December 21st, 1859.

HON. JOHN FINLAYSON,

President of the Senate:

*Sir*:—The House of Representatives have passed the following bills, viz:

A bill to be entitled an Act preventing the circulation of Books, Newspapers, Pamphlets, &c., tending to incite the slaves to revolt or which advocate abolition doctrines, through the United States Mail, and for other purposes;

A bill to be entitled an Act to recommend grant alternate sections of Swamp and Overflowed lands to the Perdido Railroad Company;

A bill to be entitled an Act for the protection and disposal of wrecked and derelict goods in the State of Florida;

A bill to be entitled an Act to amend the 8th section of an Act to provide for the incorporation of Insurance Companies;

A bill to be entitled an Act concerning costs and fees; and

A bill to be entitled an Act to provide for the establishment of a Lunatic Asylum for this State.

Very Respectfully,

M. F. PAPY,  
Clerk House of Representatives.

Which was received, and the accompanying bills placed among the orders of the day.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
December 20th, 1859.

HON. JOHN FINLAYSON,

President of the Senate:

*Sir*:—The following Senate bills and resolutions have this day passed the House, viz:

A bill to be entitled an Act to incorporate the Lake City and Suwannee Railroad Company;

A bill to be entitled an Act to authorize the Trustees of the Internal Improvement Fund to clean out the channel of the Ocklawaha River, in this State, for the purpose of improving the navigation of the same, and for other purposes;

Senate resolution asking aid to improve the navigation of Holmes Creek;

Senate resolution urging upon Congress to establish a Fort and other necessary fortifications at Apalachicola;

House resolution relative to the Common School laws; and

House bill to be entitled an Act for the benefit of the Heirs of the estate of James E. Hendry, deceased.

Very respectfully,

M. F. PAPY,

Clerk House of Representatives.

Which was read and the accompanying Senate bills ordered to be enrolled and the House bill placed among the orders of the day.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
Dec. 21st, 1859.

HON. JOHN FINLAYSON,

President of the Senate:

*Sir*:—The House has this day passed the following bill:

A bill to be entitled an Act to amend an Act entitled an Act to enable Executors, Administrators and Guardians to sell the real estate of infants, approved January 23d, 1859; and

Senate resolution for the relief of William Newborne.

Very respectfully,

M. F. PAPY.

Clerk House Rep.

Which was received, and the accompanying bill placed among the orders of the day.

The following message from his Excellency the Governor, was received and read:

EXECUTIVE CHAMBER,  
TALLAHASSEE, Dec. 21st, 1859.

HON. JOHN FINLAYSON,

President of the Senate:

*Sir*:—I have approved and signed the following bills and resolutions:

Resolution for the relief of certain parties holding State Witness and Jury scrip;

An Act more fully defining the duties of Tax Assessors and Collectors for the City of Pensacola;

An Act for the relief of Allen Gibson, of Marion county, and Solomon F. Halliday, of Alachua county;

Resolution to empower the Governor of the State to sell certain bonds;

An Act to authorize Joseph D. Smith to assume the management of his own estate;

An Act to incorporate the Apalachicola and New Orleans Steam navigation Company;

An Act to provide for the payment of costs by Plaintiffs in certain cases, in the Western Judicial Circuit; and

Resolution to change Mail Route No. 6543.

Very respectfully,

M. S. PERRY,

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
December 20th, 1859.

HON. JOHN FINLAYSON,

President of the Senate:

*Sir* :—The House has this day concurred in the amendments made by the Senate relative to the time for adjourning.

Very respectfully,

M. F. PAPY,  
Clerk House of Representatives.

The following Message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
December 21st, 1859.

HON. JOHN FINLAYSON,

President of the Senate:

*Sir* :—The House has this day passed the following resolutions:

Resolution for the relief of J. C. Crosby, late Sheriff of Escambia county; also,

Joint resolution for the relief of Andrew J. Lanier, of Lafayette county.

Very Respectfully,

M. F. PAPY,  
Clerk House of Representatives.

Which was read and the accompanying resolutions placed among the orders of the day.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
December 21st, 1859.

HON. JOHN FINLAYSON:

President of the Senate:

*Sir* :—The House of Representatives has this day passed the following bill, viz:

A bill to be entitled an Act for the relief of James Selby, a free person of colour, in Leon county.

Very Respectfully,

M. F. PAPY,

Clerk House of Representatives.

Which was received, and the accompanying bill placed among the orders of the day.

Mr. Nicholson from the Committee on Engrossed bills made the following report:

The Committee on Engrossed Bills beg leave to report the following bill as correctly engrossed:

A bill to be entitled an Act making appropriations for the expenses of the State Government for the fiscal years of 1859 and 1860.

Respectfully submitted,

A. W. NICHOLSON,  
Acting Chairman.

Which was received and the accompanying bill placed among the orders of the day.

A Select Committee made the following report:

The Select Committee to whom was referred the resolutions relating to the contract of Wells and Randolph, agents, to locate Swamp and Overflowed lands, and all matters touching the execution of said contract, and the action of the Trustees of the Internal Improvement Fund in the premises, ask leave to

#### REPORT:

That in obedience to the resolution above referred to, the Committee made out and addressed in writing to Messrs. Wells and Randolph, and to H. A. Corley, Clerk, and to the Trustees of the Internal Improvement Fund, sundry questions or interrogatories which in the opinion of the Committee, would elicit all the information in reference to the subject embraced, and place the whole matter in an intelligible form before the Senate. All the questions propounded have been answered, and we submit the questions and answers, above referred to, and ask that the same may be made a part of this report.

L. G. McELVY, Chairman.  
J. W. McQUEEN,  
D. C. DAWKINS,  
W. J. J. DUNCAN,  
J. McROBERT BAKER.

*Questions propounded to ARTHUR M. RANDOLPH and the Trustees of the Internal Improvement Fund :*

1st. Is there any other contract between Wells and Randolph and the State of Florida, or the Trustees of the Improvement Fund, than the one made with Thomas Brown, Governor of Florida? If so give a copy of said contract.

2nd. Was the said sum of \$82,473 46 paid on account of said contract with said Thomas Brown; and if not on what account?

3rd. Have the said Wells and Randolph classified any of said lands, if so, how many and how are they classified, and in whose possession or control are the said classified lists of land?

4th. What proportion of the said Swamp Lands have been actually examined on the premises, and the accuracy of the topography tested by personal examination on the ground and the errors of previous maps corrected?

5th. On what proportion of the maps of the said lands has the true line of Overflow been noted?

6th. Have the maps of the different townships been compiled, and if so from what data; do said maps show the topography as connected, the line of Overflow, Private Entries, Grants, Reservations, and Lands already owned by the State; how many of said maps are there, and under whose control and possession are said maps?

7th. Have the note books or any of them, or the said maps or any of them, been returned to the Register of State Lands; if so, how many, and in what condition?

8th. Have the accounts of said Wells and Randolph been audited by the Comptroller of Public Accounts, &c.; and if so, how much was found due them?

9th. Is it or is it not contended, the said Wells and Randolph are entitled under their contract to eight milis per acre for all the Swamp Lands in the State of Florida, as well for those which were or would have been designated to the State by the United States authorities without the intervention of said agents, as for those lands which were selected through the intervention of said agents?

10th. Is it or is it not true that the said agents, Wells and Randolph, have refused to the said Trustees, access to the books, maps and plats in their possession, except upon condition that they should receive one half of the proceeds of said Swamp Lands.

*Questions to be propounded to the Trustees of the Internal Improvement Fund, and HUGH A. CORLEY, the Clerk of RANDOLPH and WELLS :*

11th. How far have Randolph and Wells proceeded in securing to the State the lands designated as Swamp and Overflowed Lands? How much of said lands have been confirmed, and how much patented to the State?

12th. What is the reason the selections have not been made in the entire State? Are they now progressing, and by whom?

13th. How far have said lands been classified; and what would constitute a classification of Swamp and Overflowed Lands?

14th. What was the basis of the operations of said Randolph and Wells as such agents?

15th. Did Randolph and Wells obtain from the local Land Offices the entries of lands made prior to the 28th Sep., 1850?

16th. Did they test the accuracy of the topography by examination on the ground, correct all important errors and note the true line of Overflow?

17th. Did they make out and deliver to the State Register or to the Governor of the State, note books in the form prescribed in the contract? If the note books differed in form from the one prescribed, state the form of the note books so furnished by said agents.

18th. Did they compile maps containing the information prescribed in the contract?

19th. Did the agents deliver to the State Register the said maps to be forwarded to Washington as originals from which the final copies were to be made? If not, by whom were the final copies provided and made, and where are the final copies?

20th. Under what authority and from what fund was the first payment made to said agents; and what was the amount of said payment? Was the amount so advanced from said fund afterwards replaced from the Swamp Land receipts?

21st. Has any discussion ever been had in the Board of Trustees relative to the manner in which payments should be made to the agents, and what decision was made, and upon what grounds?

22nd. What was the plan pursued by said agents in making selections in reference to lands appearing upon the maps to be Swamp or Overflowed? And have any lands been designated to the State by the United States without the intervention of said agents?

23rd. Have the lists of selections of lands sold by the United States since Sept. 28th, 1850, and for which the reclamation due has not yet been paid to the State, been sworn to by the person selecting?

24th. What other things have been performed by the said agents in carrying out their contract, and outside of it?

25th. Under what system have the sales of Swamp Lands been carried on since said lands were offered for sale? What inconveniences have resulted therefrom?

26th. Have the Trustees, Governor, or Register ever demanded, asked for, or expressed a wish to have the books, maps, &c., in the possession of the agents delivered to the Trustees or placed in the

State Land Office? Has any proposition to do so been made in the Board, and what action was had thereon?

TALLAHASSEE, FLORIDA, }  
December 20th, 1859. }

Messrs. L. G. McElvy, J. W. McQueen, W. J. J. Duncan, J. McR. Baker and D. C. Dawkins, Senate Committee:

*Gentlemen:*—In reply to the interrogatories propounded to Randolph and Wells, I answer as follows:

*To the First Interrogatory.*—There is no other contract between Randolph and Wells and the State of Florida, or the Trustees of the Internal Improvement Fund, for selecting Swamp Lands, except the contract with Governor Brown.

*To the Second Interrogatory.*—Said amount was paid on account of the contract with Governor Brown.

*To the Third Interrogatory.*—The Swamp Land selections were not classified according to the meaning of the word "classify" at the date of the contract. At that time the State Lands were divided into classes; that system has since been abolished; it is impossible to classify Swamp and Overflowed Lands from their very nature.

*To the Fourth Interrogatory.*—The lists containing the selections filed in the Surveyor General's Office show what amount of lands were selected under affidavit, and what amount from the topography as shown upon the maps; but to ascertain the amounts contained in each of said lists would require the work of several days, but I estimate that not less than three-fourths of all the selections were made by affidavit based upon actual examination.

*To the Fifth Interrogatory.*—On all the plats showing waters which were subject to overflow.

*To the Sixth Interrogatory.*—Said maps specify everything required in said contract, and embrace a map of every surveyed township in the State, except the latest surveys. They are in the possession and control of Randolph and Wells.

*To the Seventh Interrogatory.*—Lists of selections were returned to the Governor. Books prepared by Randolph and Wells containing all the information concerning the Swamp Lands or other lands in the State of Florida, which could be had; and the maps remain in the possession of Randolph and Wells, free of access to the Register, Trustees, and the public.

*To the Eighth Interrogatory.*—We have never submitted our accounts to the Comptroller; we draw our pay in conformity with a resolution of the Board of Trustees.

*To the Ninth Interrogatory.*—The contract shows that the agents are entitled to receive eight mills for each acre of Swamp and Over-

flowed Lands selected and returned by them, and confirmed to the State by the authorities at Washington.

*To the Tenth Interrogatory.*—It is utterly untrue.

ARTHUR M. RANDOLPH.

*Answers of HUNG A. CORLEY to the Interrogatories propounded by the Senate Committee:*

*To the Eleventh Interrogatory.*—The agents have selected and returned the Swamp and Overflowed Lands in all the surveyed portion of the State, except in 30 or 40 Townships in South Florida, most of which have recently been surveyed. In these last named Townships a portion of the selections have been made, but not yet returned. The amount of Swamp Lands selected and returned up to Sept. 30, 1858, was 11,790,637 46-100 acres, the number of acres approved was 10,701,494 88-100, the number of acres patented was 10,618,549 35-100; since that date only a small amount has been approved and patented.

*To the Twelfth Interrogatory.*—The selections have not been made in the entire State, because the United States surveys have not been completed, and partly because in the last surveyed Townships the plats were not received until very recently, and partly because a few of the Townships in the extreme Southern portion of the Peninsula were left until further surveys should be made of the adjoining Townships. The selections are now progressing by William S. Harris, under an engagement with agents.

*To the Thirteenth Interrogatory.*—Said lands have not been classified according the signification of the term as applied to State lands at the date of the contract. At that time the State lands were divided into three classes with a fixed price for each class. This system has been superseded by the system of specific appraisement. Nor have the lists been classified as to the value of the lands. I do not know what would constitute a classification of Swamp and Overflowed Lands, but consider that the very nature of such lands would render a classification impossible—and if possible of no utility.

*To the Fourteenth Interrogatory.*—The basis of the operations of Randolph and Wells were Township maps obtained from the Surveyor General's Office, the several local Land Offices, and the General Land Office.

*To the Fifteenth Interrogatory.*—They did.

*To the Sixteenth Interrogatory.*—I refer to the answer of Dr. Randolph on that subject.

*To the Seventeenth Interrogatory.*—They did not make out and deliver note books in the form prescribed by the contract. They made out and delivered to Governor Brown lists of the selections stating the

Parts of Sec. | Sec. | Town. | Range. | Sur. Area. | Unsur. Area. | Total Area.

These lists were not bound, and were not intended to supply the note books provided for in said contract, but contained the information which would be therein given. Instead of furnishing such note books the agents have proceeded with a view of furnishing said lists, and in addition thereto a set of books well bound, numbering upwards of sixty, containing all the information which could be had in any of the local Land Offices and General Land Office, entries, grants, donations, reservations, &c., &c., and all the State Lands of whatever character, with a space for each legal subdivision of State Lands for the purpose of stating the entries. These books are headed on each page with the number of the Township and Range, and is then ruled as follows:

P. of S.	S.	A.	U. S. Title.	To whom con.	When con.	F.	State Title.	To whom con.	When con.	No. of State T.
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Similar tract books have also been prepared to embrace the lands in the Arredondo Grant and Forbes Purchase.

*To the Eighteenth Interrogatory.*—They did.

*To the Nineteenth Interrogatory.*—The agents did not deliver said maps to the Register to be forwarded to Washington, but had the final copies made, which are now in their possession.

*To the Twentieth Interrogatory.*—The first payment was \$16,000, from the Internal Improvement Fund, as authorized by resolution of the General Assembly.

*To the Twenty-first Interrogatory.*—I refer to the answer of the Trustees.

*To the Twenty-second Interrogatory.*—The plan pursued by the agents in the greater portion of East Florida, and a part of Middle and West Florida, was to procure the maps to be compiled, and to select under instructions furnished them by the Federal Authorities such lands as were shown by the plats and field notes to be of the character contemplated by the Swamp Land Grant, to make a list of said selections and return them to the Surveyor General as the "Topographical List." Then they proceeded to examine the lands and make out a list of such as were of the character contemplated by said Act, and which did not so appear upon the maps and field notes, which last list they returned to the Surveyor General under affidavit. These last named were called "Affidavit Lists." The Topographical and Affidavit Lists were then combined in a full list, called the "Combined List," which was also filed in the Surveyor General's Office. In South Florida (or the greater part) a part of East Florida, the greater part of Middle Florida, and a part of West Florida, the Topographical Lists were dispensed with and the selections were made under affidavit. But a very small quantity of land has been designated to the State as Swamp without the intervention of said agents, not more than three or four thousand acres; but I

suppose that between one-fifth and one-fourth of the amount patented was not selected under affidavit; this I estimate from the plats and from memory without making a calculation.

*To the Twenty-third Interrogatory.*—They have been sworn to by the person selecting with perhaps the exception of one or two tracts.

*To the Twenty-fourth Interrogatory.*—They have selected and returned about twelve millions of acres of land; they have prepared the books, lists and plats heretofore mentioned; they have obtained all the United States entries made, until about three years ago, and a brief description of all the Spanish Grants in East Florida; have posted said entries upon said books and plats until the confusion which arose under the graduation law; have posted likewise nearly all the patented Swamp Lands from the original patents; and have generally been engaged in perfecting said books and plats with the view of rendering them a full and reliable source for all information in reference to lands in the State of whatever character, and to facilitate and simplify the system of sales under the State. Whatever services may have been rendered in having the claim of the State for Swamp Lands adjusted in Washington outside of the office labor and field work I cannot say.

*To the Twenty-fifth Interrogatory.*—An applicant for Swamp Lands is referred to the Swamp Land Office where he receives a memorandum or certificate showing the character of the land, whether vacant or entered, whether or not within six miles of a Railroad; and the area upon which the salesman of the Board acts according to the certificate so furnished. I do not think any inconveniences have resulted therefrom.

*To the Twenty-sixth Interrogatory.*—I refer to the answer of the Trustees, I know of no such demand, or that such a wish was ever expressed or entertained on the part of the Board.

HUGH A. CORLEY.

TALLAHASSEE, Dec. 20th, 1859.

Messrs. L. G. McElvy, J. W. McQueen, W. J. J. Duncan, J. McR. Baker and D. G. Dawkins, Senate Committee:

*Gentlemen:*—The Trustees of the Internal Improvement Fund in answer to the ten questions addressed by you to ourselves and A. M. Randolph, beg leave respectfully to state that having read the answer of Dr. A. M. Randolph to said questions, we submit the same relative to the matters enquired of; and having read the answer of Mr. Corley to the other sixteen questions addressed by you to him and ourselves, we beg leave to submit them likewise.

Movement was made in the Board of Trustees for application to the Contractors for the lists, and maps, and plats, but no action was had by said Board.

There has been discussions in the Board of Trustees relative to

the payment of money to Randolph and Wells, which resulted in the adoption of a resolution paying them one-half of the receipts from the sales of the Swamp Lands monthly, which resolution is still existing and in operation.

As to whether Randolph and Wells are entitled to be paid for all the Swamp and Overflowed Lands conveyed by the General Government to this State, whether the State shall receive them from the topography of the United States survey or from the affidavits of Randolph and Wells, there is no settled opinion in this Board.

Respectfully submitted,

M. S. PERRY,	} Board T. In. Im. Fund.
T. W. BREVARD, Comp.,	
D. S. WALKER, Reg.,	
C. H. AUSTIN, Treas.,	

Mr. Nicholson from the Committee on Engrossed bills made the following report :

The Committee on Engrossed bills ask leave to report the following bills as correctly Engrossed ;

A bill to be entitled an Act to amend an Act entitled an Act regulating Constables sales in the counties of Jackson, Washington, Holmes, Santa Rosa, Walton, Gadsden and Liberty, approved January 15th, 1859 ;

A bill to be entitled an Act to prevent insubordination among slaves ;

A bill to be entitled an Act to amend the 84th chapter of the Acts of 1846, so far as relates to the town of Jasper in the county of Hamilton.

Respectfully submitted,

A. W. NICHOLSON.

Acting Chairman.

Mr. Nicholson from the Committee on Enrolled bills made the following report :

The Committee on Enrolled bills beg leave to report the following bills and resolution as properly Enrolled, to-wit :

A bill to be entitled an Act amending the pilot laws for the Bay and Harbor of the city of Pensacola ;

A bill to be entitled an Act relative to the office of Circuit Court Clerk in the county of Washington ;

Resolution for the relief of J. C. Crosby ;

A bill to be entitled an Act amending the charter of the city of Pensacola, &c.

Respectfully submitted,

A. W. NICHOLSON.

Acting Chairman.

Mr. Hawes from the select Committee made the following report :

The Select Committee to whom was referred a bill entitled an Act to amend an Act entitled an Act to divide the county of Duval and organize a new county, to be called Clay county, approved December 31st, 1858, have had the same under consideration and beg leave to submit the following

#### REPORT :

That they find upon examination that the changes contemplated in this bill are chiefly to dismember a portion of the county of Putnam and annex it to the county of Clay ;

That although your Committee are quite willing to treat with every consideration, and respect the request of the petitioners at whose prayer this bill was introduced, yet in their opinion there is an inseparable Constitutional objection to the measure ; the effect of the bill would be to leave the county of Putnam below the ratio of Representation, which is imperatively forbidden by the Constitution.

G. E. HAWES.

J. W. McQUEEN.

#### ORDERS OF THE DAY.

On motion a bill to be entitled an Act declaratory of the sense of the General Assembly, as to the grant of lands to aid in the construction of the different Rail-roads in this State ;

Was taken up and read the third time, and put upon its passage ;

Upon which the vote was :

Yeas—Messrs. Baker, Baldwin, Call, Dawkins, Dell, Duncan, Eppes, Hawes, Jones, Keitt, Lamar, McElvy, McQueen and Welch—13.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled an Act to alter and define the line between Gadsden and Liberty counties ;

Was read a third time and put upon its passage ;

Upon which the vote was :

Yeas—Messrs. Baker, Baldwin, Call, Dawkins, Dell, Duncan, Eppes, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, Nicholson, Watlington and Welch—16.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled an Act to amend an Act to incorporate the town of Quincy, approved January 13th, 185— ;

Was read the third time and put upon its passage ;

Upon which the vote was :

Yeas—Messrs. Baker, Baldwin, Call, Dawkins, Dell, Duncan, Eppes, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, Nicholson, Watlington and Welch—16.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled an Act for the relief of John M. Hill ;

Was read the third time and put upon its passage ;

Upon which the vote was :

Yeas—Messrs. Baker, Baldwin, Call, Dawkins, Eppes, Hawes, Jones, Keitt, Lamar, McElvy and Welch—11.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled an Act in relation to a Ferry in Washington county ;

Was read a third time and put upon its passage ;

Upon which the vote was :

Yeas—Messrs. Baker, Baldwin, Call, Dawkins, Dell, Duncan, Eppes, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, Nicholson, Watlington and Welch—16.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Mr. Lamar moved that a Committee be appointed to convey a bill to be entitled an Act declaratory of the sense of this General Assembly, as to the grant of lands to aid in the construction of the different Rail roads in this State, to the House, and notify them of its passage by the Senate ;

Which motion was adopted.

Mr. Dell moved that the Enrolling Clerk be authorized to employ such assistance as may be necessary to keep the Enrolling Clerk up with the business of the Senate ;

Which motion was adopted.

House bill to be entitled an Act for the relief of Susan Pearce, Administratrix and James T. Lester Administrator of William Pearce deceased ;

Was read the first time, rules waived, read the second and third times by its title, and put upon its passage ;

Upon which the vote was :

Yeas—Messrs. Baldwin, Call, Dell, Eppes, Hawes, Jones, Keitt,

Lamar, McElvy, McQueen, Nicholson and Welch—12.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled an Act for the purchase of arms for this State ; Rules being waived was read a second and third times by its title, and put upon its passage ;

Upon which the vote was :

Yeas—Messrs. Baker, Baldwin, Call, Dawkins, Eppes, Hawes, Jones, Keitt, Lamar, McQueen, Nicholson and Welch—12.

Nays—Messrs. Dell, Duncan and McElvy—3.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled an Act to amend an Act entitled an Act to amend an Act to establish the advalorem system of Taxation, approved January 15th, 1859 ;

Was read a third time and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baldwin, Call, Dell, Duncan, Eppes, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, and Welch—13.

Nay—Mr. Dawkins—1.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives. A bill to be entitled an Act to amend an Act entitled an Act to secure certain rights to married women ;

Was read a second and third times by its title, and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Call, Dawkins, Duncan, Jones and McElvy—7.

Nays—Messrs. Dell, Eppes, Hawes, Keitt, Lamar and McQueen—6.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled an Act to make the Road laws of Duval county, now in force, applicable to Manatee ;

Was read a second and third times by its title, and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dawkins, Duncan, Eppes, Hawes, Jones, Keitt, Lamar, McElvy, McQueen, Nicholson and Welch—15.



Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled an Act to correct an error in an Act approved January 15th, 1859, entitled an Act for the relief of Josiah Gates, and other persons therein named, citizens of Manatee county;

Was read a second and third times by its title, and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins; Duncan, Eppes, Hawes, Jones, Lamar, McElvy, McQueen, Nicholson, Watlington and Welch—14.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled an Act to amend the Militia laws of this State;

Rules being waived, was read the first, second and third times by its title, and put upon its passage.

Upon which the vote was:

Yeas—Messrs. Baldwin, Call, Dawkins, Eppes, Hawes, Jones, Lamar, McElvy, Nicholson and Welch—10.

Nays—Mr. President, Messrs. Baker, Dell, Duncan and McQueen—5.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled an Act for the relief and benefit of C. E. Cooper;

Was read a second time and indefinitely postponed.

House bill to be entitled an Act for the relief of James Selby, a free person of color in Leon county;

Was read the first time, rules waved, read a second and third times by its title, and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Call, Duncan, Hawes and McElvy—5.

Nays—Messrs. Baker, Baldwin, Dawkins, Dell, Eppes, Jones, Keitt, Lamar, McQueen, Nicholson Watlington and Welch—12.

So the bill was lost.

Ordered that the same be certified to the House of Representatives.

The following message from his Excellency the Governor, was received and read:

EXECUTIVE CHAMBER,  
TALLAHASSEE, Dec. 22, 1859.

HON. JOHN FINLAYSON,

President of the Senate:

Sir:—I have approved and signed the following bill:  
An Act to incorporate the Lake City and Suwannee Railroad Company.

Very respectfully,

M. S. PERRY.

The following letter was received from the Secretary of State:

OFFICE SEC'Y B. T. IN. IMP. FUND,  
Tallahassee, Dec. 21st, 1859.

HON. JOHN FINLAYSON,

President of the Senate:

Sir:—I herewith transmit to you the resolution adopted by the Board of Trustees, at their meeting of the 20th inst., in reply to resolutions offered by the Hon. Geo. W. Call, and transmitted by order of the Senate to the Trustees.

I have the honor to be Sir,

Yours respectfully,

F. L. VILLEPIGUE,

Sec'y B. T. In. Imp. Fund.

House bill to be entitled an Act for filling offices in the county of Brevard;

Was read the third time and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baldwin, Call, Eppes, Hawes, Jones, Keitt, Lamar, McElvy, McQueen and Welch—11.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled an Act in relation to the boundary line of this State, as now being run;

Was read the first time, rules waived, read a second and third times by its title, and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Dell, Duncan, Eppes, Hawes, Jones, Lamar, McElvy, McQueen, Nicholson, Watlington and Welch—15.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled an Act in relation to sheriffs;

Was read a third time and put upon its passage;

Upon which the vote was :  
Yeas—Mr. President, Messrs. Baldwin, Call, Eppes, Hawes, Jones, Keitt and McQueen—8.

Nays—Messrs. Dawkins, Dell, Duncan, McElvy, Nicholson and Welch—6.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

The following message from his Excellency the Governor, was received and read :

EXECUTIVE CHAMBER, }  
Dec, 22, 1859. }

HON. JOHN FINLAYSON,

President of the Senate :

*Sir* :—I have approved and signed,

An Act to incorporate the Apalachicola and Columbus Steamboat Company ; also,

A bill to be entitled an Act in relation to the bounday line now being run between this State and Georgia.

Very Respectfully,

M. S. PERRY.

Mr. Call offered the following resolution :

*Resolved*, That the Treasurer be and he is hereby authorized to pay to J. E. Bowden or such person as he may employ, the sum of fifty dollars for writing up the journals of the Senate ;

Was read the first time, rules waived, read a second and third times by its title, and put upon its passage ;

Upon which the vote was :

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Eppes, Hawes, Jones, Keitt, Lamar, McElvy, Nicholson, Watlington and Welch—13.

Nay—Mr. Duncan—1.

So said resolution passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A committee from the House appeared and informed the Senate that the House had passed the joint resolution relative to the boundary line between the States of Georgia and Florida.

A committee from the House appeared and informed the Senate that they had been appointed a committee to return the bill for the relief of Benjamin Hopkins.

A committee from the House appeared and requested the return of a bill to be entitled an Act for the relief of John Addison and others.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }  
December 22d, 1859. }

HON. JOHN FINLAYSON,

President of the Senate :

*Sir* :—The House has this day passed the following resolution :

Senate resolution authorizing the Treasurer to pay fifty dollars for writing up the journals of the Senate.

Very respectfully,

M. F. PAPY.

Clerk House Rep.

Mr. Keitt moved that a committee of three be appointed to wait upon his Excellency and inform him that the hour of adjournment was near at hand, and ask him if he had anything to communicate to either House of the General Assembly ;

Which motion was adopted.

The President appointed Messrs. Keitt, Dell and Hawes on said committee.

A committee from the House appeared and informed the Senate that they had been appointed to act with a similar committee on the part of the Senate, to wait upon his Excellency the Governor and inform him that the hour of adjournment was near at hand, and to ask him if he had anything to communicate to either House of the General Assembly.

A committee from the House appeared and informed the Senate that they had been appointed to return as passed, Senate bill to be entitled antitled an Act to alter and define the line between Gadsden and Liberty counties.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }  
December, 22d, 1859. }

HON. JOHN FINLAYSON,

President of the Senate :

*Sir* :—The House has this day passed the following Senate bill :

A bill to be entitled an Act to repeal in part the 24th Section of the Act entitled an Act to provide for and encourage a liberal system of Internal Improvements in this State, approved January 6th, 1855.

Very respectfully,

M. F. PAPY,

Clerk House Representatives.

Which was read, and the accomanying bill ordered to be enrolled.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES,  
Dec., 22d, 1859.

HON. JOHN FINLAYSON,  
President of the Senate:

Sir:—The House has this day concurred in the amendments offered by the Senate in a bill to amend an Act to incorporate the town of Quincy, approved January 12th, 1859.

Very Respectfully,

M. F. PAPY,  
Clerk House Representatives.

Resolution of enquiry as to the appointment of Henry Wells;  
Mr. Call offered the following as a substitute:

WHEREAS, it has been made satisfactorily to appear to this Senate, that the different Railroads in this State had previous to the 7th day of September last, made sufficient arrangements for the selection of the lands to which they were entitled under the Act of Congress, approved May 17, 1856, which agreements had met with the approval of the then Governor of the State of Florida, as well as of the authorities at Washington City; therefore,

Resolved, That the Governor be and he is hereby requested to revoke the appointment made on the 7th day of last September, of Henry Wells as agent to select lands for the different Railroads under said Act of Congress, except so far as the said Henry Wells may have been recommended by the said Railroads, or any of them for that purpose.

Mr. Call moved a call of the House;

The roll being called the following Senators answered to their names:

Messrs. Baker, Baldwin, Call, Dawkins, Dell, Duncan, Eppes, Hawes, Jones, Keitt, Lamar, McQueen and Welch.

The question being taken on the adoption of the substitute;

The yeas and nays were called for by Messrs. Call and Baker;

Upon which the vote was:

Yeas—Messrs. Call, Dell, Duncan, Eppes, Hawes, Jones, Keitt, Lamar and McQueen—9.

Nays—Messrs. Baker, Baldwin, Dawkins and Welch—4.

So the substitute was adopted.

(COPY.)

GENERAL LAND OFFICE.  
MAY 20th, 1857 (1856.)

Sir:—I have the honor to herewith enclose the copy of "an Act granting Public lands in alternate sections, to the States of Florida and Alabama to aid in the construction of certain Rail-roads in said States, approved May 17th, 1856."

On the 17th inst., Telegraphic despatches were sent from this Office, at the request of Senator Yulee of Florida, to the several Land Offices in Florida and Alabama, withdrawing all the lands from sale and location, within the probably limits of fifteen miles on each side of the several Rail-roads named in the Act, except the part of the Road terminating at Tampa, and on the same day instructions were transmitted by mail, to the Land Offices at St. Augustine and Newnansville, giving a list of the Townships to be withheld for the said Railroads from Fernandina to Cedar Keys, according to the route furnished by Mr. Yulee.

The first thing to be done if not already affected, is to locate the several Roads and transmit duly certified under the seal of the State, separate connected Maps thereof, to this and the proper local Land Offices, each showing the actual location of the Road and its connection with the lines of the Public Surveys, on a convenient scale, say one inch to the mile, and it will be sufficient if only one section on each side of the Road be shown.

On the receipt of the Maps of final location at this Office, the routes will be laid down on the Township plats, as also the six and fifteen miles lateral limits, and lists prepared without delay of the vacant and sold lands within six miles, also such lands as are found not to fall within fifteen miles, the prescribed limits of selection can at once be relieved from suspension and returned to market.

As the title of the State will vest in the alternate sections within six miles of the Roads, from the date of filing the Maps at the local Land Offices, and also the "right of way" under the general law of the 4th August, 1852, from the date of filing the same in this Office, the importance of early compliance with these requisitions, as well as the accuracy in showing the tracts *actually cut* by the routes will be seen.

A similar communication to the above has this day been made to the Governor of Alabama, relative to the grant falling in that State.

I am very respectfully

Your obd't ser'vt.

THOMAS A. HENDRICKS,  
Commissioner.

HIS EXCELLENCY JAS. E. BROOME,  
Governor of Florida.

(COPY.)

GENERAL LAND OFFICE.  
August 13th, 1856.

Sir:—I have the honor to acknowledge the receipt of your communication of the 2nd inst., and of the certified Maps of the adopted route of the Florida portion of the Pensacola & Montgomery Rail

Road therewith transmitted, which I have to inform you has been placed on file in this office for further action whenever the duly authorized Agent of the State shall present himself to co-operate with this Office in the adjustment of the Grant, as suggested in the communication of the Commissioner to you of the 20th of May last. In the meantime the line will be laid down upon the Official plats of this Office as heretofore promised.

In reply to your request, to annex a copy of the Act with explanations of the duties which attach to the Governor of the State according to one construction of the law, I beg leave to refer to the printed copy of the Act heretofore sent, there being no extra copies in this Office, and to make the following suggestions: After the State Legislatures shall have accepted the Grant, a copy of the law, together with any other Acts of the State, for incorporating or constituting the Rail Road Companies to which the Grant may be turned over, on which subject, it is understood at this Office, that the State has Legislated prospectively in reference to lands which might be granted to the State by the United States. The particular routes now described in the Act of Congress should be immediately transmitted to this Office, certified under the Seal of the State.

Of course it will depend on the condition of the transfer from the State to the Companies as to what duties, if any further than transmitting certified copies of the laws, may devolve on the Executive, and until such Legislation is had those duties cannot be defined. But it will be observed that the law of Congress, which is our only present guide, makes the Grant direct to the State of Florida, placing it however at the disposal of the State Legislature, and authorizing the selections to be made by any "Agent or Agents to be appointed by the Governor" under it, therefore, any action of the Companies had now can only be recognised through the Governor; hence, the necessity of attaching the Seal of State to the Maps of the Roads, to give them a binding effect under the law, which is important, as they constitute the basis of adjustment.

The appointment of an Agent for the adjustment of such Grants, has usually been left to the Companies, it is therefore respectfully suggested that such appointments be made in the present case by the Companies, and be approved and transmitted to this Office by the Governor, which would be in accordance with the word of the Act of Congress above quoted.

It will afford me great pleasure to answer any inquiries, if in power, and to make such further suggestions as may be considered necessary, with the appointment of the proper Agent or Agents. In the meantime I respectfully request that the Maps of location of the several Roads may be forwarded to this office with as little delay as practicable, in order that the lands not needed for the Grants may be relieved from suspension, and such additional withdrawal of lands as

found necessary, may be made for the Tampa Bay main stem, for which no lands has been withdrawn for the want of the sketch of the route.

I am very respectfully,  
Your obd't serv't,  
JAS. S. WILSON,  
Act. Commissioner.

HIS EXCELLENCY JAS. E. BROOME,  
Governor of Florida.

GENERAL LAND OFFICE. }  
August 10th, 1857. }

Sir:—I have to acknowledge the receipt of your communication, of the 25th ult., concerning your Commission from the Governor of Florida, as the Agent for said State, for the selection of the lands which will enure for the benefit of the Pensacola & Georgia Rail Road Company under the Act of Congress, approved May 17th, 1856, which has been placed on file in this Office, and for your information, I enclose herewith copies of the correspondence of this Office with the Governor on the Grant for Rail Roads.

Respectfully your obd't serv't,  
THOS. A. HENDRICKS,  
Commissioner.

WALTER GWYNN, Esq.  
Tallahassee, Fla.

(COPY OF COMMISSION)  
OFFICE OF PEN. & GEO. R. R. Co. }  
TALLAHASSEE, June 15th, 1857. }

WALTER GWYNN, Esq.,

Dear Sir:—You are hereby appointed the Agent of the Pensacola & Georgia Rail Road Company, to select and locate the lands of the Federal and State Governments, to which this Company are; or may be entitled, under the Act of Congress of 17th May, 1856, and the Act of the Legislature of the State of Florida, approved January 6th, 1855.

Respectfully your obd't serv't,  
E. C. CABELL, Prest.

EXECUTIVE CHAMBER. }  
TALLAHASSEE, July 25th, 1857. }

The within appointment of Walter Gwynn having been submitted

ted to me, is approved and adopted for and in behalf of the State of Florida.

[Signed.] JAMES E. BROOME,  
Governor of Florida.

[L. S.] By the Governor—attest:  
[Signed.] F. L. VILLEPIGUE,  
Secretary of State.

GENERAL LAND OFFICE. }  
March 11th, 1858. }

Sir:—I have to request that you will advise this Office as to which class of the sections lying between six and fifteen mile limits of the Pensacola & Georgia Rail Road reserve, the State will select as indemnity for the lands of the odd numbered sections within the six mile limits, that shall be found to have been disposed of, as specified by the Grant.

As it seems highly probably that the indemnity required to satisfy this grant will absorb all the vacant land in the alternate sections outside of the six, and within the fifteen mile reserves, it will only be necessary for you to specify either the odd or the even numbered sections, as the ones from which this Office can proceed to make up the indemnity aforesaid.

Very respectfully,  
Your obed't serv't,  
THOS. A. HENDRICKS,  
Commissioner.

[Signed.]

WALTER GWYNN, State Agent.

A committee from the House appeared and informed the Senate that they had been appointed to return the bill entitled an Act to amend the charter of the city of Pensacola, as having passed the House.

On motion of Mr. Finlayson, the use of the Senate Chamber was granted to the U. S. Circuit Court.

Mr. Eppes moved that as the Legislature is about to adjourn, and the committee on Enrolled bills have no time to examine and report upon all bills as correctly enrolled, that the President be authorized to sign the same without such report of the Enrolling Committee;

Which was adopted.

The following message from his Excellency the Governor was received and read:

EXECUTIVE CHAMBER, }  
Tallahassee, Dec. 22, 1859. }

Hon. JOHN FINLAYSON,  
President of the Senate:

Sir:—I have approved and signed the following bills and resolutions:

An Act concerning Sheriffs and Coroners;

An Act to authorize Geo. W. Martin, to establish a ferry across the Suwannee River at Fayetteville;

Resolution urging upon Congress to establish a Fort and other necessary fortifications;

Resolution authorizing the Treasurer to pay fifty dollars for writing up the journals of the Senate;

An Act to authorize David Newnan Cone, a minor of Columbia county, to assume the management of his own estate;

Resolution for the relief of William Newborne, a soldier of the war of 1812-'14;

Joint resolution allowing the claims of Captain Thomas Hughey;

An Act to authorize the Trustees of the Internal Improvement Fund to drain out the channel of the Ocklawaha River in this State for the purpose of improving the navigation of the same and other purposes; and

An Act in relation to Courts of Probate in this State.

Very respectfully,

M. S. PERRY.

Mr. Call moved that the Trustees of the Internal Improvement Fund be informed that the resolutions to which they have replied by a communication of this date, were not offered by the Hon. G. W. Call, but by the Senator from Duval, the Hon. A. S. Baldwin, and that the same were merely amended on the motion of the Hon. G. W. Call, by the adoption of the last of said resolutions;

Which motion was adopted.

House resolution in relation to the U. S. Marine Hospital at St. Marks;

Was read the first time, rules waived, read a second and third time by its title and put upon its passage;

Upon which the vote was:

Yeas—Messrs. Baldwin, Call, Dawkins, Dell, Duncan, Eppes, Hawes, Jones, Lamar, McQueen and Watlington—11.

Nays—None.

So said resolution passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled an Act for the relief of John Addison and others;

Was read the third time and put upon its passage;

Upon which the vote was:

Yeas—Messrs. Baker, Baldwin, Call, Dawkins, Hawes, Lamar and McElvy—7.

Nays—Messrs. Dell, Duncan, Eppes, Jones, Keitt and McQueen—6.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A Committee from the House appeared and informed the Senate that the House had reconsider their vote on adjourning at 1 P. M., and had changed the hour of adjournment to 11 P. M., and asked the concurrence of the Senate.

Mr. Call moved that the joint resolution to adjourn on this day at 1 P. M., be recinded; and that in lieu thereof the Senate determine to adjourn at 11 P. M., by the consent of the House, but that the Senate will not transact any business after 1 P. M., except to receive and pass upon the reports of the Enrolling and Engrossing Committees, except by the unanimous consent of the Senate;

Which motion was adopted; and

Messrs. Call, Dell and Nicholson, appointed a Committee to inform the House of the same.

A committee from the House appeared and returned, as having passed the House, a bill to be entitled an Act declaratory of the sense of this General Assembly as to the grant of lands to aid in the construction of the different Railroads in this State.

A committee from the House appeared and informed the Senate that the House had concurred in the resolution of the Senate to change the hour of adjournment from 1 P. M. to 11 P. M.

A bill to be entitled an Act to grant alternate sections of swamp and overflowed lands to the Perdido Railroad Company;

Rules being waived, was read the first, second and third times by its title and put upon its passage;

The vote was:

Yeas—Mr. President, Messrs. Baker, Baldwin, Duncan, Eppes, Jones, Lamar, McElvy, McQueen, Nicholson and Welch—11.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Mr. McElvy moved that a committee of three be appointed to wait on his Excellency the Governor and inform him that the hour of adjournment had been changed to 11 P. M.;

Which motion was adopted, and

Messrs. McElvy, Dawkins and Nicholson, appointed said committee.

Resolutions for the relief of Donald Cameron;

Rules being waived, were read the first, second and third times by its title and put upon its passage;

The vote was:

Yeas—Mr. President, Messrs. Baldwin, Call, Dell, Hawes, Jones, Keitt, Lamar, McQueen, Nicholson and Welch—12.

Nays—None.

So the resolutions passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Mr. Call moved that a committee of three be appointed to wait upon his Excellency the Governor and ask the return of the bill to be entitled an Act to amend the Militia laws of this State;

Which motion was adopted, and

Messrs. McQueen, Watlington and Nicholson, appointed said Committee.

The Committee appointed to wait upon his Excellency the Governor and request the return of the bill to be entitled an Act to amend the Militia laws of this State, returned and informed the Senate that they had performed that duty and were discharged.

On motion, the Senate took a recess until half-past 3 o'clock.

#### HALF-PAST THREE O'CLOCK, P. M.

Senate resumed its session.

A quorum not present.

The Sargeant-at-Arms was sent for absentees.

A quorum appearing, the orders of the day were resumed.

On motion of Mr. Call, House bill to be entitled an Act for the protection and disposal of wrecked and derelict goods in the State of Florida, was taken up;

Rules being waived, the bill was read the first, second and third times by its title and put upon its passage;

Upon which the vote was:

Yeas—Messrs. Baker, Dawkins, Hawes, Jones, Lamar and Nicholson—6.

Nays—Mr. President, Messrs. Baldwin, Call, Duncan and Watlington—5.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled an Act to amend the 8th section of an Act entitled an Act to provide for the incorporation of Insurance Companies;

Rules being waived, was read the second and third times by its title and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dawkins, Duncan, Hawes, Jones, Lamar, Nicholson and Walker—11.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

On motion of Mr. Watlington, the vote taken on the motion to postpone indefinitely the bill to be entitled an Act for the relief and benefit of C. E. Cooper was re-considered, rules waived, and the bill read the second and third times by its title and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Hawes, Jones, Lamar, Nicholson, Watlington and Welch—10.

On motion of Mr. Baldwin, the House bill to be an Act to amend an Act entitled an Act to divide the county of Duval and organize a new county to be called Clay county, approved December 31st, 1855, was taken up;

Rules waived, was read the second and third times by its title, and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Baldwin, Dawkins, Duncan, Jones, Nicholson, Watlington and Welch—9.

Nays—Messrs. Call and Hawes—2.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

The following message was received from his Excellency the Governor, which was read:

EXECUTIVE CHAMBER,  
TALLAHASSEE, Dec. 22d, 1859. }

HON. JOHN FINLAYSON,

President of the Senate:

Sir:—I have approved and signed Senate bills entitled an Act making appropriations for the expenses of the State Government for the fiscal years of 1859 and 1860;

An Act relative to the office of Circuit Court Clerk in the county of Washington;

An Act amending the Pilot Laws for the Bay and Harbor of the city of Pensacola or the State of Florida;

A bill to be entitled an Act to alter and define the line between Gadsden and Liberty counties; and

Resolution for the relief of J. C. Crosby, late Sheriff of Escambia county.

Very Respectfully,

M. S. PERRY.

The following message from his Excellency the Governor was received and read:

EXECUTIVE CHAMBER,  
TALLAHASSEE, Dec. 22d, 1859. }

HON. JOHN FINLAYSON,

President of the Senate:

Sir:—I have approved and signed the following bill, viz:

An Act to repeal in part the 24th Section of the Act entitled an Act to provide for and encourage a liberal system of Internal Improvements in this State, approved January 6th, 1855; also,

Joint resolution for the relief of Andrew J. Lanier, of Lafayette county.

Very Respectfully, M. S. PERRY.

On motion of Mr. Duncan, a bill to be entitled an Act for the relief of William Day and L. B. McTyer was taken up;

Was read the third time and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baldwin, Call, Dawkins, Duncan, Hawes, Jones, Lamar, Nicholson, Watlington and Welch—11.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled an Act concerning costs and fees;

Rules being waived, was read the second and third times by its title, and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dawkins, Duncan, Hawes, Jones, Lamar, Watlington and Welch—11.

Nays—Messrs. McElvy and Nicholson—2.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled an Act for the benefit of the heirs of James E. Hendry, deceased;

Rules waived, was read the second and third times by its title, and put upon its passage;

Upon which the vote was:

Yeas—Mr. President, Messrs. Baldwin, Dawkins, Duncan, Jones, McElvy, Watlington and Welch—8.

Nays—Messrs. Call, Hawes and Nicholson—3.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled an Act in relation to records;

Was read the third time, and put upon its passage:

Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Baldwin, Call, Dawkins, Hawes, Jones, Lamar, McElvy, Nicholson and Welch—11.

Nay—Mr. Duncan—1.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives;

House resolutions in reference to Common Schools;  
Was read the third time, and put upon its passage;  
Upon which the vote was:

Yeas—Mr. President, Messrs. Baker, Baldwin, Dawkins, Hawes,  
Jones, Lamar, McElvy and Nicholson—9.

Nays—Messrs. Call and Duncan—2

So said Resolution passed—title as stated;

Ordered that the same be certified to the House of Representatives.

The following letter from the Secretary of State was read:

EXECUTIVE DEPARTMENT.

OFFICE B. T. INT. IMP. FUND, Dec. 20th, 1859. }

HON. JOHN FINLAYSON,

President of the Senate:

Sir:—I am directed by the Trustees, to enclose to you the Resolution adopted by the Board, at their meeting of this date, in reply to the Resolutions offered in the Senate by Hon. G. W. Call, and communicated by the order of Senate to the Trustees.

Very respectfully,

Your obed't serv't,

F. L. VILLEPIGUE,

Sec. B. T. In. Imp. Fund.

*Resolved*, That in reply to first resolution this Board replies that they purchased \$45,000 of the Florida Railroad Co. Bonds, \$39,000 of Pensacola & Georgia Railroad Co., \$53,600 of the Tallahassee Railroad Co., and \$23,000 of the Atlantic & Gulf Central Railroad Co., all from the funds of the Internal Improvement Fund. That subsequently they exchanged \$50,000 of the Tallahassee Railroad Co. Bonds for the like amount of Florida Railroad Co., under an agreement with the Governor and Comptroller to the General Assembly, a copy of which is herewith transmitted as a part of this answer.

As regards the matters of revenue, &c., I beg leave respectfully to refer to my last Report and the suggestions therein made. The comparative statement of Revenues 1856 and 1857 herewith shows a falling off in the Revenues for the latter, which will be more than supplied when all the returns are made. The most of those not received are delayed by reason of imperfections in their authentication. These failures to make returns in proper season are much too frequent, and I suggest that a proper remedy in such cases is much needed.

On the first day of January, 1857, the State of Florida was indebted to the School and Seminary Funds, on account of sundry loans at different periods, for principal and interest, the sum of fifty-eight thousand seven hundred and thirty-three 80-100 dollars. A settlement of this debt was had by the Governor's turning over to the Comptroller

fifty-nine thousand dollars in Bonds of this State, issued under the Act of the last General Assembly, and by the Comptroller's paying the difference between the debt and the amount of Bonds (\$266.20) on account of State Debt. Of the Bonds thus purchased forty-eight thousand three hundred and five dollars were held on account of principal, and the balance on account of interest. On the 16th November following, in order to fund the interest accounts so as to provide means for distribution to county Schools and the two State Seminaries, the Comptroller drew his warrants upon the School and Seminary Funds respectively for amounts sufficient to purchase the Bonds held on account of interest, and paid into the Treasury the proceeds of such sale on account of interest of School and Seminary Funds respectively. Thus was settled the account between the State of Florida and the School and Seminary Funds, and those between the principal and interest Funds.

The great monetary crisis of last winter greatly embarrassed the Railroad enterprises of our State, and I was appealed to for aid from the resources of the School and Seminary Funds. Accordingly, with the concurrence of the Executive, I exchanged forty-eight thousand dollars in Bonds of the State of Florida, at their par value, for the 7 per cent. Railroad Bonds of this State, the principal of which is secured by lien upon the road-bed, iron, equipments, depots, franchises, &c., and the interest guaranteed by the Internal Improvement Fund of the State—a fund deemed amply sufficient for this purpose, even should the roads fail to pay any portion of their interest, and in no way dependent upon the faith of Corporations or States, but is directly amenable to our own courts. These Bonds were received at eighty cents in the dollar, and thus was added twelve thousand dollars to the principal of those funds. In addition to this, the pledge of the Trustees of the Board of Internal Improvements was obtained, that whenever desired they would redeem said Railroad Bonds by paying over in their stead the notes or bonds of planters and others held for lands sold, and which were secured by lien upon the lands. Subsequently I exchanged with the Trustees of the Board of Internal Improvements fifty thousand dollars of these Railroad Bonds for a like sum in bonds of the Tallahassee Railroad, a completed road with an established business and in a prosperous condition, and one which has promptly paid the interest upon its Bonds from the first issue, and which Bonds it was understood had never been sold for less than ninety cents in the dollar, and up to this time cannot, it is believed, be purchased for less than that price. By this transaction the Railroad enterprises were relieved from distressing embarrassments and the School and Seminary Funds not only saved harmless, but in my judgment materially benefitted.

T. W. BREVARD, Comptroller.



The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER,  
Tallahassee, Dec. 22, 1859.

Hon. JOHN FINLAYSON,

President of the Senate:

Sir:—I respectfully recommend the following nomination for the advice and consent of the General Assembly:

*Escambia County*: Auctioneer—Ira Smith.

Respectfully,

M. S. PERRY.

Which was read, and on motion of Mr. Call, the nomination therein contained concurred in.

The rules being waived, Mr. Duncan moved that the thanks of the Senate be tendered to the President for the efficient and impartial manner with which he has presided over its deliberations;

Which motion was adopted.

On motion of Mr. Lamar, the Senate took a recess until half-past 10 o'clock.

#### HALF-PAST TEN O'CLOCK, P. M.

The Senate resumed its session.

A quorum not present.

A Committee from the House appeared and informed the Senate that the House had rescinded its Resolution for an adjournment at 11, and had changed it to half-past twelve.

Mr. Lamar moved that a Committee of three be appointed to wait on the Governor and inform him that the hour of adjournment is approaching, and to ask him if he had anything to communicate to the General Assembly;

Which motion was adopted; and Messrs. Lamar, McElvy and Nicholson appointed on said Committee.

A Committee from the House appeared and informed the Senate that they had been appointed to act with a similar Committee on the part of the Senate to wait on his Excellency the Governor and inform him that the hour for adjournment was rapidly approaching, and to ask him if he had anything to communicate to the General Assembly.

The Committee appointed to wait upon his Excellency the Governor and to ask him if he had anything to communicate to the General Assembly, returned and reported that they had waited upon his Excellency, who had informed them that he had nothing further to communicate.

ELEVEN O'CLOCK P. M.—The President announced that the hour of adjournment fixed by a joint resolution of the two Houses had arrived, and the Senate stood adjourned *sine die*.

## DOCUMENTS ACCOMPANYING THE GOVERNOR'S MESSAGE.

### COMPTROLLER'S REPORT.

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,  
TALLAHASSEE, Nov. 9th, 1859.

To his Excellency MADISON S. PERRY,  
Governor of Florida:

Sir—In conformity to the requirements of law, I herewith submit my report upon the Finances of the State for the year ending on the 31st day of October, 1859:

The receipts at the Treasury for the year ending on the 31st October, 1859, amount to

To-wit:—From License Tax,	\$106,022 35
“ Fines,	\$5,838 41
“ Auction Tax,	2,194 93
“ Revenue, 1853,	1,138 81
“ “ 1855,	621 94
“ “ 1856,	1,438 58
“ “ 1857,	596 10
“ “ 1858,	4,307 56
The Warrants issued for the same period amount to	89,878 32—\$106,022 35
To-wit:—Judicial Department—	\$104,879 12

On account of Salaries,	\$20,562 82
“ “ Contingent expenses of Supreme Court,	1,387 45
“ “ Extra Judicial services,	600 00
“ “ Attorney General's attendance on Supreme Court,	67 00—\$22,617 27
Executive Department—	
On account of Salaries,	5,373 15
“ “ Governor's Residence,	610 42—\$ 5,983 57

Military Department—	
On account of Salaries,	\$300 00
On account of Contingent Expenses,	\$2,856 52
do Criminal Prosecutions,	13,279 61
do Jurors and State witnesses,	19,087 52
do Post Mortem Examinations,	1,057 70
do Indian Hostilities of 1849,	4,405 47
do Maintenance of Lunatics,	2,561 73
do Repairs of Capitol,	909 09